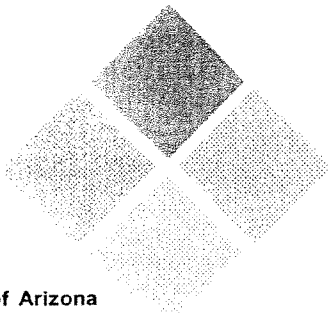


LOCAL AGENCIES

Comment Letters



QUADSTATE

County Government Coalition

State of Arizona
County of Mohave

August 17, 2004

State of California
County of Imperial
County of Kern
County of San Bernardino

State of Nevada
County of Lincoln

State of Utah
County of Washington

Mr. Glen Gould
U.S. Bureau of Reclamation
P.O. Box 61470, LC-2011
Boulder City, NV 89006-1470

Mr. Steve Spangle
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, AZ 85021

Re: Comments on Lower Colorado River Multi-Species Conservation Program Draft Plan and Environmental Impact Statement

Dear Mr. Gould and Mr. Spangle:

We appreciate the opportunity to comment on the Draft MSCP. Our review indicates that many of our comments made on earlier internal administrative drafts and through local government's participation on the Steering Committee.

QuadState County Government Coalition is a consortium of six county governments within the Mojave Desert. The Coalition is organized for the purpose of coordinating actions and activities on a variety of public land and natural resources issues within the 4-State region. Participation in these comments, and the Coalition's representation of local government interests officially are on behalf of three of our member counties: San Bernardino and Imperial Counties, California, and Mohave County, Arizona. These are the counties within our organization whose area borders the Lower Colorado River and who have direct interests in the planning activity and its implementation. We do not and cannot directly represent the interests the other four counties along the river; but we believe that at least in part they would not disagree with the comments contained herein.

Imperial County prepared individual comments on the plan, and I have attached their letter to me as a part of the official record. Their comments concerning the effects on flows into the Imperial Valley and the effect on the level of the Salton Sea are pertinent. We made a similar comment on one of the administrative drafts, but this does appear to be on continuing omission in analysis.

Specific comments:

1. In the Habitat Conservation Plan (HCP) portion, in Chapter 6, Governance, the on-going oversight appears to be vested in a Steering Committee. We agree with the concept. We believe it needs some amplification. First the name needs to convey something more permanent and in authority. We suggest the use of Board of Directors, or Board of Governors.

We agree with the composition as proposed, but would prefer better specificity. In the introductory paragraph the language is broad relative to the JPA: "...among Federal, state, local, and tribal parties..." However in a later paragraph initial membership is

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wallyl@thegrid.net

LCR MSCP Comments and Responses - December 2004

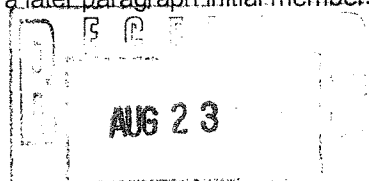
Quad-1

Quad-2

Quad-3

Gerald Hillier
Executive Director
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San Bernardino, CA 92402
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(909) 683-8544 FAX
ghillier@msn.com

Section IV
Page 181



proposed in "seven participant groups: Federal, Arizona, California, Nevada, Native American, Conservation, and Other Interested Parties." We are not certain where local governments would fit into one of those categories except as an Other. We suggest specific wording as follows: ...and Other Interests of which at least one seat shall be for a representative of local government (county or city). An alternative suggestion would be to broaden the description to eight groups, and specifically insert Local Government after Nevada in the listing.

Quad-3 con't

(By our count there are seven county governments (Clark NV, San Bernardino, Riverside and Imperial CA, Mohave, La Paz and Yuma AZ) in the area, and seven incorporated cities (Needles and Blythe CA, Laughlin NV, Bullhead City, Lake Havasu City, Parker, and Yuma AZ) within the area. Obviously they need to come together and decide on the method of their representation, but it is important at this stage of the plan to assure their presence on the continuing governing body. A case could be made that there is a role for two seats: one representing county government, another representing city government.)

2. In Chapter 7 of the HCP relative to costs, we find several factors that need revision or explanation prior to inclusion in the final document.

Quad-4

- a. Costs are shown as 2003. This should be updated to 2004. Even at 1% inflation (conservative) this adds \$6,000,000 to costs, but is probably realistic.

- b. Existing habitat maintenance is shown completed in the first 10 years with no further work required. This is probably unrealistic and we suggest at least a modest amount be included for all time periods beyond Year 10.

Quad-5

- c. Footnote (b) speaks of a \$25,000,000 "contribution." As in our comment on the Administrative Draft, we could find no text to indicate the source of the funding—Federal appropriations, State appropriations, deposit by partners, or a combination of all three. Will such "contribution" be part of the JPA?

Quad-6

- d. Monitoring costs are shown, in round figures, at approximately \$5 million per year in the first 15 years, dropping to \$4 million in the middle period, and dropping further to \$2 million in the last 30 years. We do not believe this is realistic, nor does it place sufficient priority on this activity. It has been our observation that monitoring is one of the tasks that seems to fall off first if funding for implementation becomes scarcer. At this point, while there may be some baselines for some species based on planning inventories, it is doubtful if these exist for all parameters, and even inventory techniques need to be formalized and agreed upon to assure common baselines among those carrying out the studies. We suggest front-end loading to assure interstate and interstate consistency, a larger per year commitment during the plan life, and a significant balloon in the last five years to fully document and assure assessment of the plan during its life.

Quad-7

This further becomes a necessity if changes are made as a result of adaptive management decisions. It is likely that new baselines will have to be set. Further, adaptive management cannot be applied unless the fundamental data is gathered regularly and consistently.

3. All of our participants are concerned with maintaining recreation values on the river, through both water quality maintenance and improving the sports value of fishing and

Quad-8

other activity in the River. Concerns expressed at the Blythe public hearing bring this aspect to the fore, but the Blythe input and reaction should not be viewed as isolated.

Quad-8 con't

One of our concerns involved the maintenance of existing fish populations, even among non-natives, e.g. stripped bass, in the face of the aggressive program to restock listed species in the entire river. In a private conversation at the Henderson hearing, I was assured there was no plan to reduce non-natives with recreational value. This must be made explicit in the final plan.

Quad-9

The discussion in Section 3.15 gives a good overview of the recreation activities in and along the river. The discussion gives an overview of the impacts that recreation would have on the MSCP. The text, however, fails to show the beneficial impacts to recreation in any detail that address future recreation activity, including expansion of use by the public. Besides the obvious factors such as maintenance of water quality, the MSCP should improve natural habitats that in turn should increase the number and diversity of species inhabiting the river and upland areas. Further, increasing native natural vegetation should enhance the aesthetics of the river and riparian areas making it more attractive for contemplative river experiences.

Quad-10

We, and the authors, have noted that there is at least anecdotal experience from projects on Tribal lands that have resulted in increased recreational use such as picnicking and hiking; that experience should be extrapolated to at least portions of the USBR and FWS lands along the river.

4. We have several issues associated with the land acquisition program associated with implementation.

Quad-11

- a. Part of the charter associated with the Permanent Steering Committee (using the name of the oversight group used in the text in Chapter 6) must include public discussion and input on the acquisition of lands and water through purchase or lease, to assure full disclosure in advance of consummation. This should be done during the acquisition planning stage, not after purchases have been agreed upon between sellers and acquiring agencies. The purpose of such discussion is not to inhibit but to help direct acquisitions and assure the highest priority parcels are acquired, and to assess, up front, the costs and impacts of such acquisition.

- b. Land acquisition costs (transfer of land from private to public ownership) and land use changes (shift of land from agricultural to habitat) are not fully and explicitly assessed in any of the documents. First, there is a loss of income from the land when the land is taken from production. (Not all will be from private lands since there is targeted some conversion of agriculture leases administered by BLM in the Palo Verde Valley.) Then there is the loss to tax base with conversions, even when the land stays in private ownership. Then there is a loss to tax base when land comes off the tax rolls with a transfer to public ownership.

Quad-12

There are implications in the text that some of the agricultural production losses could be offset by increases in Tribal land cultivation. While somewhat offsetting in terms of community income, it does not make up the losses to local government. The explicit text in Chapter 4 indicates some 8,132 acres will be converted. This is significant. Since the

Quad-13

planning is by river reaches, the specific effects to the local governments cannot be fully assessed, but the final document should attempt to portray at least a gross figure.

Quad-13 con't

With two counties within the QuadState organization (Mohave and San Bernardino) and all four of the remainder (Clark, Riverside, La Paz, and Yuma) there is no offsetting increase under the Federal Payment in Lieu of Taxes (PILT) Program when land passes to Federal ownership. Since these six counties all have huge public land ownership estates, and PILT is based on population as well as acreage limitation, each presently receives the maximum payment possible, and would receive no added Federal compensation for increases in the Federal estate.

Quad-14

5. In the operation of the Permanent Steering Committee we believe that a fundamental purpose and topic for regular review should be the status of listed and covered species in terms of progress to recovery. Too often plans and oversight bodies focus on the input side: land purchased, land converted, fish planted. It seems appropriate to explicitly state that the Committee will view implementation goals from an output characterization as well as looking at the input side. This ties directly to the adaptive management program and principles that the MSCP does embrace.

Quad-15

Yours truly,



Gerald E. Hillier
Executive Director

Attachment: Imperial County comment

Please note: The current mailing address for QuadState Coalition is now P.O. Box 55820, Riverside CA 92517. With the change in telephone area codes in Riverside, the phone number is now (951) 683-5725, fax (951) 683-8544.

Cc: Chris Harris (by email) w/o attachment
Phil Lehr (by email) w/o attachment
G. William Lamb (by email) w/o attachment
Mike Hays, Director Land Use Services, San Bernardino County, w/o attachment
Chris Ballard, Director Planning and Zoning, Mohave County, w/o attachment
Jurg Heuberger, Director Planning and Building Department, Imperial County, w/o attachment
Bill Postmus, First District Supervisor, San Bernardino County, w/o attachment
Buster Johnson, Third District Supervisor, Mohave County, w/o attachment
Wally Leimgruber, Fifth District Supervisor, Imperial County, w/o attachment



PLANNING/BUILDING DEPARTMENT

IMPERIAL COUNTY

PLANNING / BUILDING INSPECTION / PLANNING COMMISSION / A.L.U.C.

JORG HEUBERGER, AICP, CEP
PLANNING/BUILDING DIRECTOR

July 13, 2004

Gerald Hillier
Executive Director
QUADSTATE County Govt.
Coalition (QUADSTATE)
P. O. Box 480
San Bernardino, CA 92402

SUBJECT: Response to the Draft EIS/EIR for the Proposed Lower Colorado-Multi-Species Conservation Program (LCR-MSCP)

Dear Mr. Hillier:

The Planning/Building Department received your Memorandum regarding the proposed "Lower Colorado River-Multi-Species Conservation Program (LCR-MSCP)" and the U.S. Department of the Interior/Bureau of Reclamation/Fish & Wildlife Service's "Notice of Availability" dated June 18, 2004, was received by this Department on June 23, 2004, from the Clerk of the Board of Supervisors.

In your latest Memorandum, you have indicated that the County of Imperial will not be required to provide a direct financial contribution to the 50-year Program implementation costs at this time.

The QUADSTATE Coalition represents four Counties and Supervisor Wally Leimgruber is very knowledgeable and involved in the Plan process.

After a review of the Draft EIS/EIR for the LCR-MSCP, the County is submitting the following comments on the document. Other County Departments who may also be reviewing the document could have other comments and will be submitted as a separate response.

(1) The County's General Plan and its various elements were not mentioned in the Program's, References section, pages 8-1 through 8-14, other than a reference on page 8-6 to the "1998. Imperial County Land Use Ordinance. November." As you are aware, the entire west side of the lower Colorado River from Palo Verde to the Winterhaven-Bard area is within Imperial County. The land use designations within the Land Use Element's in this section of the Colorado River, include but are not limited to, Agriculture, Government/Special Public, and Recreation/Open Space.

IC-1

939 MAIN STREET, SUITE B-1, EL CENTRO, CA 92243 - 2856 (760) 482-4236 FAX (760) 353-8338
E-MAIL planning@imperialcounty.net plan99@imperialcounty.net (AN EQUAL OPPORTUNITY EMPLOYER)

Gerald Hillier
 QUADSTATE County Govt. Coalition
 Page 2 of 3

Once the Program has been approved by the participating entities and the "Implementation Entity" that is to be formed changes the existing land uses within the "COA's - Conservation Opportunity Areas" for future habitat conservation, enhancement, or replacement lands, the County's Land Use Element, Conservation/Open Space Element and the Water Element may also need to be modified to reflect these changes. This may also require changing the existing zoning on the Zoning Map(s) for that area west of the Colorado River.

IC-1 con't

(2) On page 1-7, "1.0 Introduction", states that future activities, e.g. the "...development of additional tribal lands for agriculture by BIA and the change in point of diversion of water on the LCR by non-Federal participants. These future activities are not part of the proposed action and are not part of the action analyzed in this EIS/EIR..." In the event there future water transfers occur from Imperial County to other non-Federal entities or Coastal communities, not only will the Imperial County General Plan and its various elements may need to be amended, but also the those water-related policies and projects within the LCR-MSCP.

IC-2

Any actions taken when the Program is implemented along the lower Colorado River should be evaluated for its cumulative impacts to the Salton Sea restoration project.

IC-3

If the water levels are lowered in the LCR due to implementing actions, the resulting impacts to hydro-electric generation in Imperial County through the IID hydro-electric plants should be cumulatively assessed. For example, in the event that less electrical power is generated and Imperial Irrigation District is forced to purchase higher priced power elsewhere and IID has to increase electrical rates in Imperial County, who pays for this?

IC-4

If less water is provided to Imperial County for its needs, the resultant water quality will also suffer due to higher e-coli and greater pollution risks to local County residents. Who will pay for these impacts?

IC-5

For future water needs for habitat conservation, enhancement and replacement areas, who will seek authorization and pay for this increased water need? Will the existing participating agencies/entities seek an allocation from the four Counties that are not required to pay at this time?

IC-6

(3) On page 1-20, "1.4.2 Future Permits and Approvals Required to Implement Specific LCR MSCP Projects", the statement is made that "...Additionally, the NPS, BLM, BIA, and the Service's NWRs may modify their land management plans to be consistent with the Conservation Plan and may make decisions regarding whether to integrate this plan with other conservation actions on the LCR..." As mentioned previously, the land use activities identified in the County's General Plan and its Land Use Ordinance/Zoning Maps may also be affected and require appropriate revisions for consistency purposes.

IC-7

(4) On page 6-6, "6.4 Summary of the Effects of Covered Activities and the LCR MSCP in Addition to Cumulative Effects", it states that "...Covered activities and LCR MSCP Conservation Plan effects include reduction in flow..." If less water is provided to Imperial County for its needs, the resultant water quality will also suffer due to high concentrations of e-coli bacteria and greater pollution risks to local County residents. Who will pay for these potential future health risk impacts?

IC-8

Gerald Hillier
QUADSTATE County Govt. Coalition
Page 3 of 3


(5) On page 9-1, "9.0 Persons and Agencies Contacted", there are no Imperial County representatives and/or planning representatives listed on this page. Other than one meeting that was held with the QUADSTATE representatives on February 21, 2002, no other County contacts appear to have been made in the preparation of the Draft EIS/EIR.

IC-9

We look forward to participating in the development and implementation of the LCR-MSCP and the Final EIR/EIS.

If you have any questions, please contact Richard Cabanilla, Planner IV at (760) 482-4236, extension 4313.

Sincerely,



JURG HEBBERGER, AICP, CEP
Planning Director

cc: Wally Leimgruber, Supervisor, Fifth District
Robertta Burns, County Executive Officer
Darrell Gardner, Asst. Planning Director
Stephen L. Birdsall, Ag. Comm/APCO
Tim Jones, Public Works Department
Jesse Silva, IID General Manager
QUADSTATE County Govt. Coalition File
10.105

JH/DG/RC/G.Planning/Clerical/QUADSTATELCR-MSCP MemoResponseLetter

AUG. 17. 2004 10:42AM

NO. 1134 P. 2



CITY OF HENDERSON
240 Water Street
P. O. Box 95050
Henderson, NV 89009

August 17, 2004

Mr. Glen Gould
U.S. Bureau of Reclamation
P.O. Box 61470-LC-2001
Boulder City, NV 89006-1470

RE: Lower Colorado River Multi-Species Conservation Program

Dear Mr. Gould,

Thank you for the opportunity to review the Lower Colorado River Multi-Species Conservation Program. The City of Henderson Community Development Department has evaluated the draft document and concurs with the implementation of the preferred alternative.

Hend-1

The preferred alternative appears to have the least amount of environmental impact and all identified impacts can be mitigated.

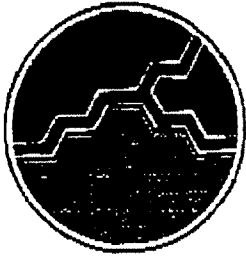
Please contact me at 702-267-1537 if you have any questions or need further information.

Sincerely,

Sue Gray, AICP
Senior Planner

08/17/2004 14:03

9289735191



Riverfront Development Team
180 W. 1st Street, Suite E
Yuma, AZ 85364

City of YUMA

Tuesday, August 17, 2004

Mr. Glen Gould
US Bureau of Reclamation
PO Box 61470 – LC – 2011
Boulder City, NV 89006-1470

Fax: (702) 293-8023

**RE: Comments Regarding the Draft Programmatic Environmental Impact
Statement/Environmental Impact Report for the Lower Colorado River
Multi-Species Conservation Program, June 18, 2004**

Dear Mr. Gould,

Thank you for the opportunity to review this very comprehensive document regarding the proposed Lower Colorado River Multi-Species Conservation Program. In reviewing the document, we would like to offer the following additions/corrections:

**Table 2.1-6: Summary of Initially Identified Conservation Areas
Yuma East Wetlands-**

Of the 1,305 acres of restoration, this table only identifies 580 acres of Cottonwood/Willow habitat establishment. This is incorrect. The full 1,305 acres will contain Cottonwood/Willow, Honey Mesquite III, Riparian, or Marsh habitat types and should be eligible for habitat creation for the entire 1,305 acres of non-open water areas that are restored.

Yuma-1

Section 3.1.1.1, Reach 7, lines 11 and 12, please revise to read:
Agricultural and urban areas at not highly visually sensitive **except for those properties, districts, and Landmark listed on the National Register of Historic Places within Yuma, Arizona and the Fort Yuma-Quechan Indian Reservation (see table 3.5-3).**

Yuma-2

Section 3.1.1.4, lines 30 and 31, Please revise to read:
This area is generally in agricultural use or in open space, although urban development is concentrate in Yuma and small towns along I-8. This area is not highly visually sensitive **except for those properties, districts, and Landmark**

Yuma-3

listed on the National Register of Historic Places within Yuma, Arizona and the Fort Yuma-Quechan Indian Reservation (see table 3.5-3).

Thank you again for the opportunity to review and comment on this document. We look forward to the implementation of the program so that habitat can be re-established on the Lower Colorado River for the benefit of wildlife and the adjacent communities.

Yuma-3 con't

Yuma-4

Sincerely,



Matthew Spriggs, AICP
Senior Planner/Redevelopment Specialist
Riverfront Development

cc: Mr. Steve Spangle, US Fish and Wildlife Service
Charles Flynn, Riverfront Development Manager
Kevin Eatherly, CIP Project Manager